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EXAMINER

GORT, ELAINE L

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,021

Applicant(s)

TAKEKUMA ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,47-60 and 62-70 is/are pending in the application.
4a) Of the above claim(s) 59,60 and 62-68 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,47-58,69 and 70 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims 59-60 and 62-68 drawn to an invention nonelected with traverse in Paper No. 7/23/04. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 47-58, 69 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for being replete with instances of failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors and unclarities.

The Examiner has provided the following as examples but the Applicant is responsible for reviewing all claims for compliance and submitting corrections as necessary.

In claim 1 lines 7-10 it is unclear specifically what the first dealing processing means is capable of carrying out. The claim is unclear as to what limitations are being

carried out due to the grammatical unclarity, functional and indefinite language which the Examiner construes as failing to positively and distinctly set forth structure and its interconnection(s).

In claim 1 lines 11-16 it is unclear specifically what the second dealing processing means is capable of carrying out. The claim is unclear as to what limitations are being carried out due to the grammatical unclarity, functional and indefinite language which the Examiner construes as failing to positively and distinctly set forth structure and its interconnection(s).

Claim 48 recites the limitation "said plural selling information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "said plural buying information" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "said ordered information" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "said subsequent sales" in line 7. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 49 lines 5 and 6 as to what limitations are being claimed regarding "wherein the C1 dealing processing is executed after buying conditions are relaxed for the buying information unsold with said C2 dealing processing." It is unclear what is meant by C1 and C2.

It is unclear in claim 50 lines 4 and 5 as to what limitations are being claimed regarding "wherein said third dealing processing means classified and displays the unsold goods as goods to be excluded from sale and as those goods to be sold."

Claim 51 recites the limitation "the same buying conditions" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 51 recites the limitation "the respective clusters" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 51 recites the limitation "the corresponding clusters" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 52 recites the limitation "the same level" in line 6. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 52 lines 1-3 as to how the conditions for determining clusters are divided into plural levels. It is unclear how plural levels can determine clusters.

Claim 53 recites the limitation "said plural pieces" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 53 recites the limitation "the buying conditions" in line 14. There is insufficient antecedent basis for this limitation in the claim.

It is unclear what is being claimed in claim 54 line 4 regarding "which information are output from said plural seller's terminal devices and said plural buyer's terminal devices".

Claim 54 recites the limitation "said plural pieces" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 54 recites the limitation "the same goods" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 54 recites the limitation "the same conditions" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 54 recites the limitation "the selling conditions" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 55 recites the limitation "the quantity" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 55 recites the limitation "said buyer's side terminal devices" in line 18. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 56 line 8 regarding what is meant by "buying information" as buying information is previously claimed in line 4.

Claim 58 recites the limitation "the amount" in line 4. There is insufficient antecedent basis for this limitation in the claim.

It is unclear what is being claimed in claim 69 line 1 regarding "A storage medium to store a computer program for apparatus to buy and sell goods..".

Claim 69 recites the limitation "said order" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 70 recites the limitation "the same" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 70 recites the limitation "the respective" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 70 recites the limitation "said plural pieces" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 70 recites the limitation "the respective clusters" in line 15. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 70 as to what is specifically being claimed in line 15 regarding "plural pieces of selling information".

Claim 70 recites the limitation "the corresponding clusters" in line 20. There is insufficient antecedent basis for this limitation in the claim.

All of the claims should be reviewed for compliance and revised claims submitted as necessary.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1; 47-58; 69 and 70, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 5,794,207) in view of Examiner's Official Notice.

Walker et al. discloses the claimed device but is silent regarding the goods sold on the system decreasing in value over time; and buyers entering desired buying date information and goods arrival place.

The Examiner takes Official Notice that it is old and well known in the art of trade for prices of goods to become lower with time as these goods may be, for example, perishable, become less desirable due to trends/fads/seasons and/or depreciate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Walker et al. with the sale of goods that have prices that become lower with time as taught by Examiner's Official Notice, in order to sell goods that are perishable, become less desirable due to trends/fads/seasons, and/or depreciate.

The Examiner takes Official Notice that it is old and well known in the art of trade for buyers to include purchase dates and delivery locations in purchase agreement contracts to ensure the goods procured arrive at a specified location when the buyer needs them. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the buyer's binding purchase offers apparatus as modified above with the inclusion of purchase dates and delivery locations as taught by Examiner's Official Notice, in order to ensure the goods procured arrive at a specified location when the buyer needs them.

(Regarding claim 1) an apparatus for buying and selling goods connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying

information output from said plural seller's terminal devices and said plural buyer's terminal devices for goods which decrease in value over time, (see Walker et al. abstract disclosing an Internet system for taking multiple buyer's binding purchase offers and matching these offers to sellers to form binding sales contracts, see also figure 1 showing the networked system. Note: Regarding where the market prices decline, Examiner has modified Walker with Official Notice of selling goods that decrease in market value with time to incorporate goods that for example are perishable. See details above.) comprising:

First dealing processing means for executing a sale by pre-engagement based on said buying information including desired buying date information for the goods output from said buyer's terminal devices (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date information to provide buyers with the assurance of receiving the goods at a certain time);

Second dealing processing means for determining a processing order for selling information based on selling conditions of the goods among the selling information for newly entered selling information on the seller's terminal devices and collating the selling information for the goods and the buying information for the goods received from the buyer's terminals in the determined order, so that each subsequent sale results when the selling conditions agree with buying conditions for the goods (Examiner construes the buyer and seller databases shown in figure 2 to determine a processing order for the selling information as the seller database contains sellers' offers and are

inherently saved in some organized order to allow retrieval of information for comparison to find a match with a buyer. Examiner construes the central controller 200 shown in figure 1 to process by "collating" (this term is construed by the Examiner to mean compare critically) sellers' and buyers' information in order to find a match to generate a sale.);

(Regarding claim 47) further comprising: a copying processing means for processing the selling information on unsold goods among the selling information output from the seller's terminal devices for goods to be sold through the second dealing processing means after executing processing of a sale by the first dealing processing means (Walker et al. is capable of generating multiple sales by matching a first buyer to a first seller, a second buyer to a second seller, etc... Therefore goods can be sold via the second processing means after goods are sold via a first dealing processing means.)

(Regarding claim 48) wherein the second dealing processing means determines a processing order of the selling information based on conditions of a selling information processing order to determine the processing order for the selling information, and determines a processing order of the buying information based on conditions of a buying information processing order to determine a processing order for the buying information corresponding to each selling information, and executes sequentially subsequent sales according to ordered information (Walker et al. is capable of generating multiple sales by matching a first buyer to a first seller, a second buyer to a second seller, etc... Therefore goods can be sold via the second processing means

after goods are sold via a first dealing processing means. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. For example the data is processed/organized by the type of goods desired to compare sellers to buyers having and wanting the same good type.)

(Regarding claim 49) wherein the second dealing processing means include a C1 dealing processing function based on buying information with relatively easy conditions, and a C2 dealing processing function based on buying information with more rigorous conditions than the C1 dealing processing; and wherein the C1 dealing processing is executed after buying conditions are relaxed for the buying information unsold with the C2 dealing processing (Walker discloses the ability to process multiple sales and therefore is capable of processing a deal where a first seller desires a higher price and is matched with a buyer offering a higher price to generate a sale and later to process a deal where a second seller desiring a lower price is matched with a buyer offering a lower price to generate a sale.);

(Regarding claim 50) Third dealing processing means for executing a sale of unsold goods which result from either processing of the first dealing processing means or the second dealing processing means, wherein the third dealing processing means classified and displays the unsold goods as goods to be excluded from sale and as those goods to be sold (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller

without making a sale but then processing data of a third seller and making a sale with a buyer. The status of the third seller's goods would then change to sold. Examiner takes Official Notice that it is old and well known in the art of computers to use displays to view data to allow managers of databases to view contents. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with a display as taught by Examiner's Official Notice, in order to allow managers of the databases to view contents of the seller's database to see the status of the seller's data.)

(Regarding claim 51) first cluster formation means for forming clusters of buying information for the goods having the same buying conditions in plural pieces of the buying information (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

second cluster formation means for forming clusters of selling information which meet buying conditions corresponding to the respective clusters of the buying information in plural pieces of selling information (Walker stores seller's information

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which includes information such as a description of goods, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

dealing contract making means for making a sale by collating selling and buying information for the goods between the clusters formed by the first cluster formation means and the corresponding clusters formed by the second cluster formation means based on a predetermined processing order for the clusters of the buying information or a predetermined processing order for the clusters of the selling information (Walker discloses the matching of buyer and seller information in order to make a sale. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. See discussion above regarding "collating".);

(Regarding claim 52) wherein conditions for determining clusters by the first cluster formation means and the second cluster formation means are divided into plural levels; and

wherein the dealing contract making means executes a bargain between the buying information cluster formed by the first cluster formation means and the selling information cluster formed by the second cluster formation means having the same level as the level of the buying information cluster. (Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories and subcategories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data into categories and subcategories as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time. For example the category may be "airline tickets" and the subcategory may be "flights to Australia". In this scenario only seller information relating to tickets to Australia is matched with buyer's desiring tickets to Australia.);

(Regarding claims 53 and 54) buying information readout means for determining a processing order for the plural pieces of buying information based on predetermined conditions, and reading out respective buying information in the determined order (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified

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above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

cluster formation means for forming clusters of selling information for the goods which have the buying conditions contained in the readout buying information (Walker stores seller's information which includes information such as a description of goods, this is stored in a database which is searched to match seller's information with a similar description of goods. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

dealing contract making means for making a sale by linking respective selling information contained in the clusters of the selling information for the goods formed by the cluster formation means with the readout buying information (Walker discloses the matching of buyer and seller information in order to make a sale. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match.);

(Regarding claim 55) dealing processing means of executing processing of a sale based on the buying information including requested buying date information and arrival place information output from the buyer's terminal devices (Walker discloses processing of a sale based on buying information. Examiner has modified Walker above to include a delivery date and location so buyers can have the goods when they need them.)

a distribution cost table defining each distribution cost for every shipping place and arrival place (Examiner takes Official Notice that it is old and well known in the art of supply chain automation to use delivery cost tables to provide buyers and/or seller's with the cost for delivery of goods so it can be incorporated into the cost of the goods. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with a delivery cost table as taught by Examiner's Official Notice, in order to provide buyers and sellers with delivery costs so it can be incorporated into the cost of the goods.);

wherein information including distribution costs defined in the distribution cost table based on the shipping place information and arrival place information is transmitted to the buyer's terminal device for every piece of selling information output from the seller's terminal devices, when a purchase request is issued for the buyer's side terminal devices to the selling information (In this modified scenario buyers receive prices incorporating the cost of delivery);

(Regarding claim 56) first dealing processing means for executing a sale based on buying information output from said buyer's terminal devices relating to goods for

sale (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information.);

Second dealing processing means for executing a sale based on selling information output from the sellers' terminal devices relating to goods for sale (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the sellers' information);

Third dealing processing means for processing a sale in which a bargain is concluded with every agreement between the buying information and the selling information for the goods after collating selling information on unsold goods among the selling information output from the seller's terminal devices and buying information newly output from the buyer's terminal devices, following executing processing of a sale by the first dealing processing means and second processing means (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller, then processing data of a third seller. The first sale being the first means, the second sale being the second means and the third sale being the third means.);

(Regarding claim 57) wherein said market management device third dealing processing means classifies the unsold goods as goods to be excluded and as goods to be sold (When the third sale is carried out the goods would be classified as sold, if the goods did not sell in the third sale they would be unsold goods and are excluded as goods to be sold for that match);

(Regarding claim 58) wherein the market management device further comprises pre-confirmation dealing processing means for executing a pre-confirmation of sale based on forecast information before confirmation of the amount of goods to be received (Examiner takes Official Notice that it is old and well known in the art of supply chain automation for sellers to use forecasting to predict what quantities of goods they will have available for sale so sellers can take measures to sell this predicted future inventory. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with seller forecasting of future inventories as taught by Examiner's Official Notice, in order to provide sellers the ability to take measures to sell their predicted future inventory. The Walker system discloses confirming the availability of flights/goods from sellers in order to complete the sale.);

wherein the seller's terminal devices transmit forecast selling information to the pre-confirmation deal processing means before confirmation of the amount of the goods to be received (In this above modified scenario the forecast quantities are used to identify potential future sales.);

transmit selling information to the first dealing processing means and/or second dealing processing means after confirmation of the amount of the goods to be received (Examiner takes Official Notice that it is old and well known in the art of supply chain automation for sellers to confirm orders to ensure buyers that the orders will be fulfilled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system as modified above with seller confirmation as

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taught by Examiner's Official Notice, in order to ensure buyers that the orders will be fulfilled.), and

transmit selling information for the goods to be sold to the third dealing processing means when unsold goods result from at least any processing among the pre-confirmation dealing processing means, the first dealing processing means, and the second dealing processing means (Walker discloses the ability to process multiple sales possibilities and therefore is capable of processing data of a first and second seller, then processing data of a third seller. The first processing being the first means, the second processing being the second means and the third processing being the third means. Processing of the same selling information at a different time is done to identify any new buyers with criteria meeting the selling information. For example, an airline is offering a specific price for an airline ticket, an initial processing does not identify a buyer, but later a buyer places an offer that meets the sellers criteria and a sale takes place.);

(Regarding claim 69) a first dealing processing step for executing a first deal by pre-engagement based on the buying information, including requested buying date information output from the buyer's terminal devices for the goods and/or based on selling information including an expected selling date information output from the seller's terminal devices for the goods (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date information to provide buyers with the assurance of receiving the goods at a certain time);

a second dealing processing step for executing subsequent deals for unsold goods following the first deal, the second processing step ordering selling information based on selling conditions for the unsold goods from the selling information and any updated selling information received from the sellers terminal devices and collating the selling information and buying information according to the order, the second processing step concluding a sale of goods each time the selling information agrees with buyer information received from the buyers terminal devices (Examiner construes the buyer and seller databases shown in figure 2 to determine a processing order for the selling information as the seller database contains sellers' offers and are inherently saved in some organized order to allow retrieval of information. Additionally Examiner has taken official notice that it is old and well known to organize data into categories and subcategories within a database to expedite data processing. Examiner construes the central controller 200 shown in figure 1 to process by "collating" (this term is construed by the Examiner to mean compare critically) sellers' and buyers' information in order to find a match to generate a sale.);

(Regarding claim 70) a dealing processing step for executing processing of a first sale based on the buying information including requested buying date information output from the buyer's terminal devices and/or based on selling information including expected selling date information output from the seller's terminal devices (Examiner construes the central controller 200 shown in figure 1 to execute a sale based on the buying information which Examiner has modified above to include buying date

information to provide buyers with the assurance of receiving the goods at a certain time);

first cluster formation step for forming clusters of buying information under the same buying conditions included in the buying information, as to said plural pieces of the buying information (Walker stores buyer's information which includes information such as a description of goods, figure 5, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as taught by Examiner's Official Notice, in order to provide fast access to the buyers' data (such as faster processing time);

a second cluster formation step for forming clusters of selling information which meet conditions corresponding to the respective clusters of the buying information, as to plural pieces of selling information (Walker stores seller's information which includes information such as a description of goods, this is stored in a database which is searched to match seller's information. Examiner takes Official Notice that it is old and well known in the art of database management to sort and/or organize data into categories to provide fast access to the organized data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computer system as modified above with the capability to sort and/or organize data as

taught by Examiner's Official Notice, in order to provide fast access to the sellers' data (such as faster processing time);

a computer readable storage medium to record a computer program for letting the goods dealing apparatus execute a contract making step for concluding a bargain by linking selling information with buying information between the clusters formed by the first cluster formation step and the corresponding clusters formed by the second cluster formation step based on a predetermined processing order for the clusters of the buying information of a predetermined processing order for the clusters of the selling information (Walker discloses the matching of buyer and seller information in order to make a sale and Examiner has modified Walker to incorporate data organized into clusters for speedy processing. Walker stores information in buyer and seller databases such as the ones shown in figure 2 which are accessed and compared in order to match buyers and sellers, the system processes the data in some form of processing order in order for the data to be compared to make a match. See discussion above regarding "collating".);

Response to Arguments

6. Applicant's arguments with respect to claims 1; 47-58; 69 and 70 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that it is not necessary that the buyers or sellers compete against each other, only

that each has what the other wants and a common buying and selling price) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Walker does not disclose a plurality of buyers and sellers of the same product linked together to form a sale. Examiner contends that Walker, in matching multiple buyers and multiple sellers to complete multiple sales discloses a plurality of buyers and sellers of the same product being linked together to form a sale.

See detailed explanation of the rejection above for clarification.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

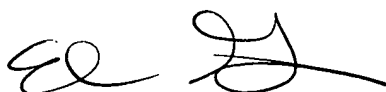
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183 or (571)272-6788. The fax phone number for the organization where this application or processing is assigned is (703)872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

A handwritten signature in black ink, appearing to be 'EG' followed by a stylized flourish.

Elaine Gort

Examiner - 3627

June 12, 2005